



MEETING OF THE CITY COUNCIL

Agenda

Stephen C. Padilla, Mayor

Patty Davis, Councilmember
John McCann, Councilmember
Jerry R. Rindone, Councilmember
Steve Castaneda, Councilmember

David D. Rowlands, Jr., City Manager
Ann Moore, City Attorney
Susan Bigelow, City Clerk

**October 4, 2005
4:00 P.M.**

**Council Chambers
Public Services Building
276 Fourth Avenue**

CALL TO ORDER

ROLL CALL: Councilmembers Castaneda, Davis, McCann, Rindone, and Mayor Padilla

PLEDGE OF ALLEGIANCE TO THE FLAG, MOMENT OF SILENCE

SPECIAL ORDERS OF THE DAY

- **OATHS OF OFFICE**
Armida Martin Del Campo - Housing Advisory Commission
Rita Legaspi - International Friendship Commission
- **INTRODUCTION BY JIM SANDOVAL, DIRECTOR OF PLANNING AND BUILDING, OF THE EMPLOYEE OF THE MONTH, JOAN SCHMID, CODE ENFORCEMENT OFFICER II**
- **PRESENTATION OF A PROCLAMATION BY MAYOR PADILLA TO CHRIS REDO, CHAIRPERSON OF THE CHULA VISTA CULTURAL ARTS COMMISSION, PROCLAIMING OCTOBER AS NATIONAL ARTS & HUMANITIES MONTH**
- **PRESENTATION OF A PROCLAMATION BY MAYOR PADILLA TO LYNN FRANCE ON BEHALF OF THE CITYWIDE SAFETY COMMITTEE, PROCLAIMING THE WEEK OF OCTOBER 3, 2005 THROUGH OCTOBER 7, 2005 AS DRIVE SAFELY TO WORK WEEK**
- **ANNOUNCEMENT BY RYAN HALL, AIRPORT SYSTEM PLANNER II, SAN DIEGO REGIONAL AIRPORT AUTHORITY, OF A TOWN HALL MEETING REGARDING THE FUTURE OF AIR TRANSPORTATION IN THE REGION**

CONSENT CALENDAR

(Items 1 through 15)

The Council will enact the Consent Calendar staff recommendations by one motion, without discussion, unless a Councilmember, a member of the public, or City staff requests that an item be removed for discussion. If you wish to speak on one of these items, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting. Items pulled from the Consent Calendar will be discussed after Action Items.

1. APPROVAL OF MINUTES of the Regular Meeting of August 9, 2005.

Staff recommendation: Council approve the minutes.

2. WRITTEN COMMUNICATIONS

- A. Memorandum from City Clerk Bigelow requesting excused absences for Councilmember Patty Davis.

Staff recommendation: Council excuse the absences from the meetings of August 2, August 9, September 13, and September 20, 2005, as well as from meetings in the near future until her return.

- B. Letter of resignation from Edward J. Nagorski, member of the Board of Appeals and Advisors.

Staff recommendation: Council accept the resignation and direct the City Clerk to post the vacancy in accordance with the Maddy Act.

- C. Letter of resignation from Gustavo Bidart, member of the Housing Advisory Commission.

Staff recommendation: Council accept the resignation and direct the City Clerk to post the vacancy in accordance with the Maddy Act.

3. ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE SECTION 2.05.010 TO ESTABLISH THE UNCLASSIFIED POSITION OF COASTAL/ENVIRONMENTAL POLICY CONSULTANT TO THE MAYOR (4/5THS VOTE REQUIRED; SECOND READING)

On September 20, 2005, the Council approved a resolution authorizing an additional support position in the Office of the Mayor and Council. Adoption of the ordinance adds the position to Municipal Code section 2.05.010, relating to unclassified positions, as required by City Charter. This ordinance was introduced on September 20, 2005. (City Manager)

Staff recommendation: Council adopt the ordinance.

4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A REAL PROPERTY PURCHASE AGREEMENT WITH MARIA LUISA FONTI, TRUSTEE, ET AL., FOR THE ACQUISITION OF A PORTION OF THE PROPERTY COMMONLY KNOWN AS 111 COUNTRY CLUB DRIVE (APN 573-410-04) IN FEE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND AUTHORIZING STAFF TO EXECUTE ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

Adoption of the resolution approves an agreement to purchase a portion of 111 Country Club Drive, in fee. The majority of this land is within the Telegraph Canyon Creek and is unusable to the property owner. The remainder to the west of the channel is severed from the owner's property. (City Engineer)

Staff recommendation: Council adopt the resolution.

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING BIDS AND AWARDING A CONTRACT FOR THE TRAFFIC SIGNAL INSTALLATION AT THE INTERSECTION OF EAST NAPLES STREET AND OLEANDER AVENUE (TF-324), TO T & M ELECTRIC, DBA PERRY ELECTRIC

The traffic signal installation at the subject intersection was approved and budgeted as part of the Fiscal Year 2005 Capital Improvement Programs. The scope of the project includes the installation of a fully actuated traffic signal system and other necessary work to complete the project. (City Engineer)

Staff recommendation: Council adopt the resolution.

6. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING DONATIONS IN THE AMOUNT OF \$6,000, AND APPROPRIATING SAID DONATED FUNDS (4/5THS VOTE REQUIRED)

The Fire Department has received donations in the amount of \$6,000 from various community businesses. These donations were made to the Fire Department in support of the First Annual Awards and Recognition Ceremony, scheduled to be held on October 28, 2005. (Fire Chief)

Staff recommendation: Council adopt the resolution.

7. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING THE AGREEMENT WITH STATE OF CALIFORNIA, DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR MUTUAL AID FIRE PROTECTION, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

The Fire Department is a participant in Automatic Aid Agreements with other agencies within San Diego County. The department provides staff and equipment resources to these agencies in an emergency and/or reimbursement basis. Adoption of the resolution ratifies the agreement with the Department of Forestry and Fire Protection for mutual aid. (Fire Chief)

Staff recommendation: Council adopt the resolution.

- 8 A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$118,173 IN UNANTICIPATED GRANT FUNDS FROM THE FISCAL YEAR 2005 FIREFIGHTER ASSISTANCE GRANT, AND AMENDING THE FISCAL YEAR 2006 FIRE DEPARTMENT BUDGET TO APPROPRIATE \$147,716, WHICH INCLUDES A LOCAL MATCH OF \$29,543 FROM THE GENERAL FUND (4/5THS VOTE REQUIRED)
- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE FORMAL CONSULTANT SELECTION PROCESS AND AWARDED THE PURCHASING AGREEMENT TO THE SAN DIEGO FIREFIGHTERS REGIONAL WELLNESS CENTER FOR DEVELOPMENT OF A COMPREHENSIVE WELLNESS-FITNESS PROGRAM FOR CITY OF CHULA VISTA FIREFIGHTERS

The Fire Department has been awarded a federal grant in the amount of \$118,173 from the Fiscal Year 2005 Firefighter Assistance Grant. The grant will be used to develop a comprehensive wellness-fitness program for the City's firefighters. This program will be administered through services offered by the San Diego Firefighters Regional Wellness Center. (Fire Chief)

Staff recommendation: Council adopt the resolutions.

9. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A CHANGE ORDER UP TO \$200,000 FOR GRAFFITI REMOVAL ON THE INTERSTATE 805/OLYMPIC PARKWAY/EAST ORANGE AVENUE INTERCHANGE PROJECT, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS OPERATIONS TO EXECUTE SAID CHANGE ORDER

The Council previously awarded the construction contract for this project to Yeager-Skanska, Inc. for \$14.9 million and authorized the Director of Public Works Operations to execute a change order up to \$100,000. Costs for graffiti removal from the new sound walls and retaining walls will exceed \$100,000. Adoption of the resolution authorizes the Director of Public Works Operations to execute a change order up to \$200,000 for the removal of graffiti from the project's new walls. (Director of Public Works Operations)

Staff recommendation: Council adopt the resolution.

10. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE FIRST AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA, BURKETT & WONG ENGINEERS (CONSULTANT), AND OTAY PROJECT, L.P. (APPLICANT), FOR THE PREPARATION OF A PUBLIC FACILITIES FINANCING PLAN AND FISCAL IMPACT ANALYSIS FOR OTAY RANCH VILLAGES TWO AND THREE, AND PLANNING AREA 18B, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT

In May of 2003, the Council approved a three-party agreement between the City of Chula Vista, Burkett & Wong Engineers, and Otay Ranch L.P. for the preparation of a Public Facilities Financing Plan for Villages Two and Three, and Planning Area 18B Sectional Planning Area (SPA) Plan. Adoption of the resolution approves the first amendment to the three-party agreement with Burkett & Wong, for consulting services. This amendment adds an additional \$20,000 to the contract, for a total maximum agreement amount not to exceed \$88,800. (Director of Planning & Building)

Staff recommendation: Council adopt the resolution.

11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ACCEPTING \$11,009 FROM THE BUREAU OF JUSTICE ASSISTANCE, AND APPROPRIATING SAID FUNDS TO THE FISCAL YEAR 2005/2006 PERSONNEL BUDGET OF THE POLICE DEPARTMENT FOR BULLETPROOF VESTS (4/5THS VOTE REQUIRED)

The Chula Vista Police Department has received funding from the Bureau of Justice Assistance to pay for the costs of bulletproof vests. The Bulletproof Vest Partnership grant has awarded the Police Department \$11,009 to pay for 50% of the cost of bulletproof vests. This grant will partially fund 35 vests; matching funds are included in the Police budget. (Police Chief)

Staff recommendation: Council adopt the resolution.

12. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AGREEMENT WITH THE COUNTY OF SAN DIEGO FOR THE POLICE DEPARTMENT'S PARTICIPATION IN THE CALIFORNIA IDENTIFICATION SYSTEM REMOTE ACCESS NETWORK

Since 1990, the Police Department has entered into agreements with the County of San Diego to participate in the California Identification System Remote Access Network, commonly known as Cal-ID/RAN. This system is maintained by the State Department of Justice, but the County is the responsible agency for system allocation and funding. Adoption of the resolution approves an agreement effective July 1, 2005 and terminating on June 30, 2010. (Police Chief)

Staff recommendation: Council adopt the resolution.

13. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AND APPROVING A CONTRACTUAL AGREEMENT WITH SOUTH BAY COMMUNITY SERVICES FOR THE COMMUNITY SERVICE PROGRAM

Adoption of the resolution approves an agreement with South Bay Community Services for the Community Service Program. This program focuses on restitution services such as neighborhood cleanups, volunteering at schools or working at community events. The program's purpose is to hold juvenile offenders accountable for their actions and provide opportunities for them to connect in positive ways with their community. (Police Chief)

Staff recommendation: Council adopt the resolution.

14. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AUTHORIZING THE APPLICATION AND, IF AWARDED, ACCEPTANCE OF A RECREATIONAL TRAILS PROGRAM GRANT FROM THE STATE OF CALIFORNIA FOR THE REHABILITATION OF ROHR PARK RECREATIONAL TRAIL; AND AUTHORIZING THE COMMITMENT OF MATCHING FUNDS THEREFOR

During Fiscal Year 2006/2007, the Federal Highway Administration will provide \$2.2 million in local assistance funds through the Recreational Trails Program for the acquisition, development and rehabilitation of recreational trails in California. Through its Parks & Open Space Division, the City's Public Works Operations Department proposes applying for grant funding to rehabilitate Rohr Park Recreational Trail. (Director of Public Works Operations)

Staff recommendation: Council adopt the resolution.

15. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING THE 2005 HOLIDAY DECOR PROGRAM; WAIVING THE FORMAL BIDDING PROCESS; APPROPRIATING \$48,400 FROM THE AVAILABLE BALANCE GENERAL FUND TO PAY FOR THE PROGRAM; AWARDED A PURCHASE AGREEMENT TO DEKRA-LITE INDUSTRIES; AND DIRECTING STAFF TO IMPLEMENT THE 2005 HOLIDAY DECORATION PROGRAM (4/5THS VOTE REQUIRED)

The Holiday Décor Program was initiated in 1998 to provide a festive environment within the downtown core during the holiday season. At that time, a Request for Proposal was prepared to solicit bids from specialty lighting and decoration companies. Dekra-Lite was selected due to their qualifications and experience, the excitement and quality of their design, and project cost. Dekra-Lite has since worked diligently with the City in implementing this popular program. Adoption of the resolution awards a purchase agreement to Dekra-Lite to implement the program, with an option to renew for subsequent holiday programs. (Director of Community Development)

Staff recommendation: Council adopt the resolution.

ORAL COMMUNICATIONS

Persons speaking during Oral Communications may address the Council on any subject matter within the Council's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the Council from taking action on any issue not included on the agenda, but, if appropriate, the Council may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes.

PUBLIC HEARINGS

The following items have been advertised as public hearings as required by law. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.

16. CONSIDERATION OF APPLICANT'S APPEAL OF CERTAIN CONDITIONS OF APPROVAL MADE BY THE CITY'S DESIGN REVIEW COMMITTEE FOR A PLANNED SIGN PROGRAM FOR THE EASTLAKE DESIGN DISTRICT (APPLICANT: INTERNATIONAL REAL ESTATE)

The applicant, International Real Estate, submitted an appeal of certain conditions of approval made by the City's Design Review Committee for a planned sign program for the Eastlake Design District. This item was originally considered at the meeting of August 23, 2005, at which time the Council continued it to September 13. At the September 13, 2005 meeting, the Council continued the item to a future, unspecified date. (Director of Planning & Building)

Staff recommendation: Council conduct the public hearing and adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA
APPROVING MODIFICATIONS TO THE DESIGN REVIEW COMMITTEE
APPROVED PLANNED SIGN PROGRAM (PSP-05-08) FOR THE
EASTLAKE DESIGN DISTRICT

17. CONSIDERATION OF OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP) AMENDMENT (PCM-04-18), OTAY RANCH VILLAGE SIX SECTIONAL PLANNING AREA (SPA) PLAN AMENDMENT (PCM-04-19), ZONE CHANGE (PCZ-06-02), AND REVISED TENTATIVE MAP (PCS-05-16) FOR A MIXED-USE VILLAGE CORE LOCATED ON BOTH SIDES OF EAST PALOMAR ROAD, BETWEEN VIEW PARK WAY AND MAGDALENA AVENUE (APPLICANT: OTAY PROJECT, LP)

Otay Project, LP (Otay Ranch Company) proposes a mixed-use project in the Village Six Core along both sides of East Palomar Street, providing approximately 20,000 square feet of ground floor commercial retail space on the south side, and 20 live/work shopkeeper units on the north side. The project includes 158 for-sale condominium units on both sides of East Palomar Street between View Park Way and Magdalena Avenue, including units reserved for low-income households. (Director of Planning & Building)

Staff recommendation: Council conduct the public hearing, place the following ordinance on first reading and adopt the following resolutions:

- A. ORDINANCE OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE OTAY RANCH VILLAGE SIX SECTIONAL PLANNING AREA (SPA) PLANNED COMMUNITY (PC) DISTRICT REGULATIONS LAND USE DISTRICTS MAP (FIRST READING)

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE OTAY RANCH GENERAL DEVELOPMENT PLAN (GDP) TO ALLOW ADDITIONAL RESIDENTIAL DEVELOPMENT IN OTAY RANCH VILLAGE SIX
- C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AN AMENDMENT TO THE OTAY RANCH VILLAGE SIX SECTIONAL PLANNING AREA (SPA) SITE UTILIZATION PLAN MAP
- D. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING AND ESTABLISHING CONDITIONS OF A TENTATIVE MAP TO SUBDIVIDE A 3.0-ACRE AND A 3.7-ACRE PARCEL ON EACH SIDE OF EAST PALOMAR STREET IN VILLAGE SIX INTO A TWO-LOT CONDOMINIUM MAP FOR 158 RESIDENTIAL UNITS (OTAY RANCH, LP)

ACTION ITEMS

The items listed in this section of the agenda will be considered individually by the Council, and are expected to elicit discussion and deliberation. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the City Clerk prior to the meeting.

- 18. CONSIDERATION OF APPROVAL OF AN AGREEMENT WITH I LOVE A CLEAN SAN DIEGO, INC. FOR THE DEVELOPMENT AND IMPLEMENTATION OF STORM WATER PUBLIC EDUCATION AND OUTREACH PROGRAMS (Continued from August 9, 2005)

The National Pollutant Discharge Elimination System (NPDES) Municipal Permit issued by the California Regional Water Quality Control Board requires Co-permittees to implement, among other things, public education and outreach programs with the goal of increasing public awareness regarding protection and improvement of regional and local water resources and preservation of their beneficial uses. Staff has determined that, in order to enhance existing activities and increase the overall effectiveness of the City's compliance program, the NPDES public education and outreach program must be broadened to include all stakeholders, including environmental groups, local water agencies, local schools, businesses, developers, community groups, the Nature Center, and others. (Director of Public Works Operations)

Staff recommendation: Council adopt the following resolution:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA WAIVING THE CONSULTANT SELECTION PROCESS AS IMPRACTICAL AND APPROVING AN AGREEMENT BETWEEN THE CITY OF CHULA VISTA AND "I LOVE A CLEAN SAN DIEGO, INC." FOR THE DEVELOPMENT AND IMPLEMENTATION OF STORM WATER PUBLIC EDUCATION AND OUTREACH PROGRAMS, REQUIRED PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) MUNICIPAL PERMIT, AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY

ITEMS PULLED FROM THE CONSENT CALENDAR

OTHER BUSINESS

19. CITY MANAGER'S REPORTS

20. MAYOR'S REPORTS

- A. Ratification of appointment of Maria Moya to the Growth Management Oversight Commission.
- B. Ratification of appointment of Patricia Chavez to the Resource Conservation Commission.

21. COUNCIL COMMENTS

CLOSED SESSION

Announcements of actions taken in Closed Session shall be made available by noon on Wednesday following the Council Meeting at the City Attorney's office in accordance with the Ralph M. Brown Act (Government Code 54957.7).

22. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)

- City of Chula Vista, et al. v. CPUC (Rulemaking Nos. R-03-10-003 and R-01-10-024)

ADJOURNMENT to an Adjourned Regular Meeting on October 4, 2005 at 6:00 p.m. in Conference Rooms 2 and 3, and thence to the Regular Meeting of October 11, 2005, at 6:00 p.m. in the Council Chambers.

In compliance with the
AMERICANS WITH DISABILITIES ACT

The City of Chula Vista requests individuals who require special accommodations to access, attend, and/or participate in a City meeting, activity, or service request such accommodation at least forty-eight hours in advance for meetings and five days for scheduled services and activities. Please contact the City Clerk for specific information at (619) 691-5041 or Telecommunications Devices for the Deaf (TDD) at (619) 585-5655. California Relay Service is also available for the hearing impaired.